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20 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
21 SAN FRANCISCO DIVISION

22 CENTER FOR BIOLOGICAL DIVERSITY,) CIVIL NO. 05-00862 JCS  
et al, )  
23 Plaintiffs, )  
24 v. ) STIPULATION AND ~~PROPOSED~~ ORDER  
25 JONATHAN JARVIS, et al., )  
26 Defendants. )  
27

28 WHEREAS by letter dated April 5, 2005, Mary Martin, Superintendent, Mojave National

1 Preserve, withdrew the permission she had previously given the California Department of Fish and  
2 Game to convert certain wells to watering devices for game animals;

3 WHEREAS Defendants believe that the Superintendent's withdrawal of permission has made  
4 the case moot, but Plaintiffs disagree with that conclusion;

5 WHEREAS Defendants due date for answering or otherwise responding to the complaint is  
6 May 9, 2005;

7 WHEREAS at the May 6, 2005, Case Management Conference the Court decided to stay the  
8 case and the Case Management Order filed May 9, 2005, provides that the case is stayed for 60 days;

9 WHEREAS the parties agree that if Defendants prevail on their view that the case is moot the  
10 case would be dismissed without the need for Defendants to file an answer;

11 NOW THEREFORE, the parties stipulate that the filing of an answer or other response to the  
12 complaint be stayed until 30 days after a final ruling on whether this case is moot.

13 Respectfully submitted,

14 Date: 7/8/05 s/John Buse  
15 JOHN BUSE

16 Attorneys for Plaintiffs

17 KEVIN V. RYAN  
18 United States Attorney

19 Date: 7/8/05 s/James A. Coda  
20 JAMES A. CODA  
21 Assistant United States Attorney

22 Attorneys for Defendants

23 Defendants' counsel attests that the wording of this document is acceptable to plaintiffs'  
24 counsel.

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Date: July 11, 2005 /s/ Joseph C. Spero  
27 JOSEPH C. SPERO  
28 United States Magistrate Judge